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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/732,787      | 12/11/2000  | Masayuki Kondo       | Q62188              | 2734             |

7590 11/19/2002  
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

FIGUEROA, FELIX O

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2833

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/732,787

Applicant(s)

KONDO, MASAYUKI

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in Fig.6 in view of Kowalewski (US 3,249,909).

Applicant's admitted prior art discloses substantially the claimed invention except for the fusiform molded portion. Kowalewski teaches a fusiform molded portion (22) which covers and waterproofs a terminal connecting portion to provide a smother gripping on the molded portion. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the molded portion as a fusiform molded portion, as taught by Kowalewski, to provide a smother gripping on the molded portion. Kowalewski also shows the thickness of the fusiform molded portion being continuously reduce such that the end portion of the sheathed wire side has the same diameter as the sheathed wire.

Claim 6 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in Fig.6 in view of Kowalewski, and further in view of Hauchard et al. (US 4,969,845).

Applicant's APA, as modified by Kowalewski, disclose substantially the claimed invention except for the plurality of parallel alternate concave grooves and convex ribs.

Hauchard teaches a plurality of parallel alternate concave grooves and convex ribs (37) formed in a direction parallel to a direction that the wire (14) extends to save material while providing structural strength to the molded portion. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the molded portion having a plurality of parallel alternate concave grooves and convex ribs formed in a direction parallel to a direction that the wire, as taught by Hauchard, to save material while providing structural strength to the molded portion.

***Response to Arguments***

Applicant's arguments filed 09/05/02 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been evident to one of ordinary skill in the art that the use of a fusiform molded portion provides a smother gripping on the molded portion. Particularly, the

In response to applicant's argument that one of the arguments "submitted in the Amendment of April 15, 2002" was not addressed, please note that the previous office action addressed this point as follows:

*In response to applicant's argument that "it is improper to combine the APA with Kowalewski because the latter teaches away from combining the two references", it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Kowalewski teaches a fusiform molded portion which covers and waterproofs a terminal connecting portion to provide a smother gripping on the molded portion.*

Additionally, in response to Applicant's argument that Kowalewski includes additional structure not required by Applicant's invention, i.e. strain relieving means, it must be noted that Kowalewski discloses the fusiform molded portion as claimed. The fact that it discloses additional structure not claimed is irrelevant.

In response to applicant's argument that Kowalewski is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Kowalewski shows a fusiform molded portion that provides a smother gripping on the molded portion.

In response to applicant's argument that "when Applicant argued that it would be impractical to the plug receptacle of Kowalewski to have the configuration described in Fig. 6 of the APA, Applicant only intended to provide further support as to why it is improper to combine Kowalewski with APA". Please note that the rejection presented

does not require the plug of Kowalewski to have the configuration of the APA, but rather to include the fusiform of Kowalewski in the APA.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

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ffr

November 14, 2002

A handwritten signature in black ink, appearing to read "Gary Paumen".

Gary Paumen  
Primary Examiner